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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,470	01/23/2004	Fumio Horiguchi	247976US2S DIV	5475
22850	7590	03/04/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			MONDT, JOHANNES P	
			ART UNIT	PAPER NUMBER
			2826	

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Please find below and/or attached an Office communication concerning this application or proceeding.

AM

Office Action Summary	Application No. 10/762,470	Applicant(s) HORIGUCHI, FUMIO	
	Examiner Johannes P. Mondt	Art Unit 2826	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8 and 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/23/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the filing with Preliminary Amendment (1/23/04) of this application as a Divisional of application 09/949,634.

Response to Amendment

Preliminary Amendment filed January 23, 2004, forms the basis of this office action.

As a preliminary matter, Applicant is reminded of the abandoned nature of the parent, counter to Remarks filed with Amendment to the claims (see Notice of Abandonment for Application with serial number 09/949,634, which was mailed May 5, 2004.

Information Disclosure Statement

The examiner has considered the items listed in the Information Disclosure Statement filed 1/23/04. A signed copy of Form PTO-1449 is enclosed with this office action. It is noted for the record that item AW needs to be introduced in the file (IDS item of parent missing in the file). Therefore, examiner has provided a copy of said item for scanning.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore,

(a) the "connection line" as claimed (as defined in lines 19-21 of claim 5) must be shown or the features canceled from the claims. No new matter should be entered.

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(b) Furthermore, the second impurity layer is not shown as united with respect to adjacent three or more of the silicon columns on the bottom of the trench (as claimed, claim 15),

(c) nor is the claimed lacking pair of silicon columns at both corners on a diagonal line of the matrix form formed by the silicon columns (as claimed, claim 16) shown anywhere in the Drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: the subject matter of claims 15 and 16 (original claims also in the parent) is not disclosed in the Specification. In particular, nowhere in the Specification is the second impurity layer united with respect to adjacent three or more of the silicon columns on the bottom of the trench (claim 15), nor is there any disclosure of one pair of silicon columns lacking at both corners on a diagonal line of the matrix form formed by the plurality of silicon columns (claim 16).

Appropriate correction is required.

Claim Objections

3. ***Claims 5-8 and 11-16*** are objected to because of the following informalities: the wording "in an x direction and a y direction substantially orthogonal to the x direction on a major surface thereof, the trench having a width A" should be replaced by "in two mutually orthogonal directions in an upper major surface thereof, the trench having a trench width". Appropriate correction is required.

4. ***Claims 5-8 and 11-16*** are objected to because of the following informalities: the wording "having a side length B" should be replaced by: "a side length". Appropriate correction is required.

5. ***Claim 6*** is objected to because of the following informalities: the wording "the width A of the trench is equal to the side length B" should be replaced by "the trench width is equal to the side length". Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Regarding ***claims 5-8 and 11-16***, the phrase "or the like" on line 2 of claim 5 renders the claim indefinite because the claims include elements not actually disclosed (those encompassed by the terminology "-like", which is equivalent to "or the like"), thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

8. ***Claim 8*** recites the limitation "the stacking type capacitor" in claim 8. There is insufficient antecedent basis for this limitation in the claim.

9. ***Claim 11*** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the limitation "when the gate electrodes of the silicon columns aligned in one direction are continuously connected" introduces an indefiniteness into the claim language, because whether or not said gate electrode are indeed continuously connected as a claim limitation is left indefinite.

10. ***Claim 12*** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the limitation "when the gate electrodes of the silicon columns aligned in one direction are continuously connected" introduces an indefiniteness into the claim language, because whether or not said gate electrode are indeed continuously connected as a claim limitation is left indefinite.

11. Regarding **claim 14**, the phrase "band-like" renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by "-like", which is equivalent to "or the like", i.e., "bands or the like"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 5, 7, 8, 11, 12, 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goebel et al (6,172,391 B1; cf. IDS) in view of Alsmeier et al (6,201,730 B1) and Gruening et al (6,093,614). This rejection is offered subject to the limitation implied by the indefiniteness noted in the rejection of claim 5 under 35 U.S.C. 112, second paragraph.

Goebel et al teach a semiconductor memory device (title, abstract) comprising:

a silicon substrate **1a** of first conductivity type (p-type) (col. 10, l. 4) having a grid-like trench **G1a**, **G2a**, ..., (col. 10, l. 15-33) extending in a x direction and a y direction substantially orthogonal to the x direction on a major surface thereof, the trench having a width A (cf. Figures 2 and 5);

a plurality of silicon columns **Ska** (col. 10, l. 4-15) formed on the major surface of the substrate and having an upper surface defined by the trench, the upper surface having a side length B (cf. Figures 2, 5 and 6);

a plurality of transistors (as defined by corresponding source/drain regions S/D1a and S/D2a with channel there between in proximity to a gate: see "Summary of Invention"; see Figure 6) each formed on a side surface of the respective silicon columns, each of the transistors comprising:

a first impurity layer **S/D1a** (col. 10, l. 4-15) formed on the square upper surface of the corresponding one of the silicon columns and serving as one of a source and a drain;

a second impurity layer **S/D2a** (col. 11, l. 1-6) formed on a bottom of the trench adjacent to the corresponding one of the silicon columns and serving as the other of the source and drain;

a channel portion **Kaa** (col. 10, l. 3-15) formed on a side surface of the corresponding one of the silicon columns between the first and second impurity layers;

a gate insulating film **Gda** (col. 11, l. 60-61 and Figure 6) formed on the channel portion with the gate insulating film interposed therebetween;

a plurality of capacitors **P1a/Kda/P2a** (col. 12, l. 17-27) each having two electrodes **P1a** and **P2a**, one **P1a** of said two electrodes being connected to the first impurity layer (through contacts **Ka**) (col. 12, l. 11-21);

a connection line **LC** configured to bring the second impurity layer out to the major surface of the silicon substrate (col. 14, l. 14-43); and

a bit line formed **PL** above the major surface of the silicon substrate (loc.cit.), wherein the connection line **LC** is insulatively buried in the trench (cf. col. 14, l. 14-43

and Figure 11b) so as to extend from the second impurity layer on the bottom of the trench to an upper side of the trench and be connected to the bitline (loc.cit.).

Goebel et al do not necessarily teach the limitations of the "square" shape of the upper surface defined by the trench and that said connection line is also "connected to the second impurity layer of an adjacent one of the transistors".

However, it would have been obvious to include the latter limitation in view of Alsmeier et al, who teach the bitlines to be commonly connected (see "Detailed Description", col. 2, l. 55-67). Motivation to include the teaching by Alsmeier et al in the invention at least derives from the savings resulting from a common bitline when the common voltage is a design aspect.

Finally, the square shape of the upper surface defined by the trench is obvious over Gruening et al, who, in a patent on vertical trench structure for memory cell arrays, hence analogous art, teach square vertical trenches (cf. col. 3, l. 14-18) on opposite sides of square bulk portions within the context of efficient utilization of chip area (see "Background of the Invention"). Motivation of inclusion of the teaching by Gruening et al in the invention by Goebel et al at least derives from the increased surface area available for the channel regions for square trenches in comparison with RIE trenches that are rounded.

On claim 7: this rejection is offered subject to the limitation implied by the indefiniteness noted in the rejection of claim 7 under 35 U.S.C. 112, second paragraph. In the semiconductor memory device by Goebel et al the plurality of capacitors P1a/Kda/P2a are formed on the plurality of silicon columns Ska, respectively, each of

the capacitors comprising: a capacitor electrode P1a connected to the first impurity layer and the aforementioned one of the two electrodes; a dielectric film Kda formed on the capacitor electrode; and a storage electrode P2a opposite the capacitor electrode through the dielectric film (col. 12, l. 8-27).

On claim 8: this rejection is offered subject to the limitation implied by the indefiniteness noted in the rejection of claim 8 under 35 U.S.C. 112, second paragraph. By “stacking type capacitor” the capacitance between the first impurity layer (source/drain regions S/D1a) through contact Ka is assumed to be pertinent. Because the first impurity layer covers the entire silicon column (cf. col. 10, l. 3-15 and Figure 6) the claim limitation appears to be met.

On claim 11: this rejection is offered subject to the limitation implied by the indefiniteness noted in the rejection of claim 11 under 35 U.S.C. 112, second paragraph. The gate electrode of the silicon columns is aligned in one direction and part of a wordline **WL**, hence are continuously connected to form a word line (cf. Figure 15 A and col. 15, l. 35-47). Also, the gate electrode **Gaa** is so formed as to surround the corresponding one of the silicon columns (cf. Figure 6, col. 11, l. 60 – col. 12, l. 6), while the connection line **LC** is formed in the trench at a central area surrounded by mutually adjacent four of the silicon columns (cf. Figures 5 and 11B) because every trench is surrounded by mutually adjacent four silicon columns.

On claims 12: this rejection is offered subject to the limitation implied by the indefiniteness noted in the rejection of claim 12 under 35 U.S.C. 112, second paragraph. The gate electrode of the silicon columns is aligned in one direction and part

of a wordline **WL**, hence are continuously connected to form a word line (cf. Figure 15 A and col. 15, l. 35-47). Also, the gate electrode **Gaa** is so formed on one side surface of the silicon columns (cf. Figure 6, col. 11, l. 60 – col. 12, l. 6), while the connection line **LC** is formed in the trench along another side surface adjacent to the one side surface, because the gate electrode is formed on both side surfaces (cf. Figures 5 and 11B).

On claim 14: this rejection is offered subject to the limitation implied by the indefiniteness noted in the rejection of claim 14 under 35 U.S.C. 112, second paragraph. The second impurity layer **S/D2a** is formed as a band-like configuration around the corresponding one of the silicon columns, - here interpreted as forming a band embedding laterally, and surrounding the bottom portion of, the corresponding one of the silicon columns (cf. col. 11, l. 1-18).

14. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Goebel et al and Gruening et al as applied to claim 5 above, and further in view of Clampitt (6,198,158 B1). This rejection is offered subject to the limitation implied by the indefiniteness noted in the rejection of claim 6 under 35 U.S.C. 112, second paragraph. *As detailed above, claim 5 is unpatentable over Goebel et al in view of Gruening et al. Neither Goebel et al nor Gruening et al necessarily teach the further limitation of claim 6. However, it would have been obvious to include said further limitation in view of Clampitt, who teach the widths of the silicon columns 18 and the trenches 28 to be equal in order to reduce the memory cell area (col. 4, l. 56 – col. 5, l. 3), thus meeting the claim limitation. Motivation for inclusion of the teaching in this regard by Clampitt in*

the invention by Goebel et al and Gruening et al derives at least for said reduction in memory cell area, thus enabling increased device density.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johannes P. Mondt whose telephone number is 571-272-1919. The examiner can normally be reached on 8:00 - 18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
February 27, 2005

Patent Examiner:

A handwritten signature in black ink, appearing to read 'J. Mondt', with a stylized flourish at the end.

Johannes Mondt (Art Unit: 2826)